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Advancement of women

Working towards the elimination of crimes against women committed in the name of honour

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 55/66, the present report provides information on the measures taken by Member States and activities within the United Nations system on working towards the elimination of crimes against women committed in the name of honour. The report identifies areas in which further efforts are needed.

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I. Introduction

1. In its resolution 55/66 on working towards the elimination of crimes against women committed in the name of honour, the General Assembly requested the Secretary-General to submit a report to it at its fifty-seventh session on the resolution, including on initiatives by States to work towards the elimination of those crimes. The present report, which has been prepared in response to that request, is the first report of the Secretary-General submitted to the General Assembly on the subject. It is based, inter alia, on information contained in replies to a request of the Secretary-General for information on the issue received from Member States and United Nations entities, and is complemented by the report of the Secretary-General on the elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (A/57/171), which has been prepared in response to General Assembly resolution 55/68.

II. Measures reported by Member States and regional organizations

2. As at 5 June 2002, 27 Member States had responded to the Secretary-General's request for information relating to the implementation of General Assembly resolution 55/66.[1] Canada, Greece, Luxembourg, Mexico, Mauritius and the Philippines reported on general measures to address violence against women, including support services for victims.

A. Legal provisions and related occurrences

3. A number of States reported on the occurrence of crimes against women committed in the name of honour and on legal provisions, some indicating that there was no category of such crimes in their legal systems and that all crimes were dealt with in accordance with the general criminal law. Belarus indicated that such crimes were not typical in the country; however, measures aimed at preventing violence against women defined such violence and underscored their inadmissibility. Brazil reported that there was no specific legislation dealing with crimes committed in the name of honour, but that since the mid-1980s most Brazilian courts had not accepted the argument of "self defence of honour". The results of a study on homicides carried out by the Brazilian National Movement on Human Rights had indicated that in 1995, 66.4 per cent of women victims were involved in (marital) relationships with the perpetrators; in 1996, that figure increased to 72.28 per cent; 75 per cent of the homicides committed against women occurred domestically, while 25 per cent occurred in public spaces. Canada indicated that honour crimes, including killings, were extremely rare in Canada, but such crimes would be investigated and prosecuted as offences under the Criminal Code, and such crimes as assault, aggravated assault or sexual assault and murder, which could occur in the execution of an honour crime, were covered by that Code. Croatia reported that there was no record of crimes against women committed in the name of honour in that country, while Egypt reported that Egyptian legislation had criminalized all the acts referred to in General Assembly resolution 55/66, including the crimes identified in the outcome document. Jordan stated that its law did not include the term "crimes committed in the name of honour" since such crimes, which were committed within the family, were dealt with in the chapter of the Jordanian Penal Code on crimes and misdemeanours against the person. Jordan indicated that such crimes occurred primarily as a result of weakening of religious consciousness and legal confusion, and because of erroneous notions of Islamic law and tribal customs. Measures to eliminate honour crimes in Jordan included substantive amendments to the national laws, in particular the repeal of article 340 of the Penal Code, which exonerated perpetrators, and its replacement with a provision providing for the punishment of perpetrators of such crimes commensurate with the crime. The new provision also introduced equal penalties for men and women. Efforts to implement those laws effectively had been made.

4. Malaysia reported that the categorization of crimes against women committed in the name of honour did not exist in Malaysia since all crimes, regardless of whether they were perpetrated against women or men, were dealt with under the criminal law. Monaco reported that no specific legal provision existed condemning crimes of honour committed against women; however, such acts would be prosecuted under existing criminal laws. The

Netherlands indicated that honour crimes had been committed in that country, with one case in 1999 having attracted extensive media coverage. A Dutch research study had also revealed that there had been at least 30 honour crimes committed. Under Dutch criminal law, vengeance, when exacted to uphold family honour, did not mitigate the offence, whether serious or minor, and appropriate steps under the criminal law were always taken in response to such acts, although personal circumstances (such as temporary insanity) might sometimes be taken into account. Portugal indicated that the concept of crimes against women committed in the name of honour did not exist in its legislation, and that if crimes against women occurred they were dealt with under specific legislation on violence against women. Qatar reported that crimes against women committed in the name of honour did not exist in that country, and that crimes involving attacks against women were punishable under the Penal Code and there was no exemption from punishment in that context. Qatar condemned such crimes and called upon the international community to reject them and to prevent their occurrence in any circumstances. Saudi Arabia reported that the category of crimes against women committed in the name of honour did not exist in that country. Spain reported that there was no information of such crimes having been committed in that country, but closer attention was being paid to such crimes as Spain became increasingly multicultural, and if such crimes were committed they would be punishable under the Penal Code. Individual freedom and physical and/or sexual integrity were protected under the Spanish Penal Code, and female victims of violence were provided with effective protection. Under article 138 of the Penal Code, death on the grounds of honour would be a crime of murder, and consanguinity could mitigate or aggravate guilt, depending on the motives for the crime and its nature and effects. Where a crime committed in the name of honour did not result in death, it would be characterized as a crime of injury under articles 147 and 148 of the Penal Code. Thailand indicated that it did not have any discriminatory practices against women as identified in General Assembly resolution 55/66.

5. Turkey indicated that in some regions, where traditional lifestyle was still predominant, the concept of honour was associated with women's bodies and that mentality constituted the pretext for crimes against women committed in the name of honour. Turkey reported that under the Turkish Penal Code, reduced penalties were envisaged for crimes committed in the name of honour, which were also called "crimes of tradition". Those under 18, who received reduced penalties in criminal convictions, were often incited to commit such crimes. Long-term modification in social behaviour would be necessary to prevent crimes committed in the name of honour, but in the short term, legal sanctions should be implemented. Article 462 of Turkey's Penal Code provided that when there was enough evidence of adultery, the punishment would be reduced by one eighth if a close relative had murdered the alleged adulterer, and articles 53, 54 and 55 of the Code provided for an additional reduction for those under 18 who were incited to commit such crimes. Article 453 provided for a reduction of punishment for the murder of a newborn child by the mother or a first-degree relative if the murder was committed in the name of honour. In order to eliminate the discriminatory provisions of the Penal Code that indirectly incited violence against women, a commission, formed by the Ministry of Justice, had prepared a draft bill repealing all of those provisions. Uruguay reported that there were currently no plans to reform, inter alia, provisions that discriminated against women contained in articles 116 and 328 of the Penal Code concerning marriage to the victim of rape and providing for reduced penalties for abortion.

B. Other measures reported, including programmes, policy and awareness-raising

6. Australia reported that it was working towards the elimination of crimes against women committed in the name of honour by addressing domestic violence, including through the national crime prevention programme and the Government's partnerships against domestic violence, which funded projects targeting domestic violence in non-English-speaking, indigenous, rural, remote and other communities. The Department of Immigration and Multicultural and Indigenous Affairs, through the partnerships task force, was considering the needs of migrant women; examining ways of improving outcomes for migrant women, such as through faster assessment times for migration applications; ensuring that the domestic violence system adequately responded to their needs; and introducing measures to reduce the incidence of

domestic violence. In December 2000, the task force had established a working group on the issue of migrant women, domestic violence and income support and was developing strategies in that area. Research undertaken by the partnerships had identified domestic violence as a significant issue for rural and remote areas, where isolation and lack of ready access to support and services exacerbated problems for victims. A range of projects had been funded, including with respect to indigenous people, aimed at improving service provision to all family members affected by domestic violence, assisting women and children in escaping violent situations, and testing models for more effective early intervention and prevention.

7. Strategies followed in Brazil to reduce crimes committed in the name of honour included the adoption of practices to treat women victims of domestic violence through such institutions as police precincts for the care of women, shelters for women in life-threatening situations and centres providing support for women victims of violence, which were generally administered by non-governmental or civil society organizations. Brazil had adopted progressive educational measures to alter cultural prejudices regarding female submission to male power. In addition, the Government had sponsored public information campaigns through its national council for women's rights, and under the guidance of the Ministry of Education a national programme had been implemented to eliminate from school textbooks any form of discrimination based on gender, race, ethnicity or age.

8. In Jordan, national popular information campaigns were conducted that aimed at anchoring the concept of human rights in the public mind and educating it specifically about women's and children's rights, preventing violence of all kinds and guaranteeing the inviolability of women's rights and upholding their human dignity. The national women's rights committee had also held symposia and seminars on women's rights. Those efforts had resulted in a reduction in the level and number of crimes committed "in the name of honour", especially in the past three years. Coordination between the Government and civil society bodies, including non-governmental organizations and individuals, had continued with a view to raising awareness of the dangers posed by such crimes and to dispelling the confusion surrounding their pernicious effects on the family and society. The Government also cooperated with United Nations bodies in order to strengthen and enhance the status of women. Units had been established in Jordanian government institutions, including the department for the protection of the family in the public security bureau, directed at protecting women and children in specific cases, and the social services bureau, which monitored individual cases, protected and provided advice and legal assistance to women victims and other women at risk, and assisted in their rehabilitation and reintegration into society. Media had played an important role in initiating a debate on the issue and had helped raise awareness about such crimes, which Jordan viewed as incompatible with all religious, human and cultural values, like all other acts of violence and family violence committed against women in all countries. Jordan believed that raising the educational and cultural level of individuals in Jordanian society was an essential element in curbing crimes committed "in the name of honour", which were repudiated by everyone who respected human rights.

9. In order to reduce the negative impact of culturally determined behaviour, the Netherlands had engaged in a dialogue with and among the various population groups, discussing possible educational, social and other measures identified in General Assembly resolution 55/66. Following the 1999 case, the Minister for Urban Policy and Integration of Ethnic Minorities had held talks with the Turkish Citizens Forum, which had resulted in a series of six discussion meetings launched by the Forum. The outcomes of those meetings were discussed at a national conference in mid-2001, and in June 2002 IOT hosted a conference, financed by the Dutch Government, specifically focused on combating harmful traditional practices against women. The Netherlands reported that its child protection board had decided to include honour crimes in its interculturalization programme, which devised policy aimed at raising staff awareness on matters of diversity and ethnicity. In 2002, a project financed by the Dutch Government, which focused on violence against women and especially honour crimes, would be implemented. The Netherlands had also supported several projects to combat honour crimes through its diplomatic missions abroad, which were implemented by governmental and non-governmental agencies. Through advocacy, lobby and media campaigns, projects had also sought to reduce and eventually eliminate acid attacks on women, widow-

burning, violent acts related to excessive dowry claims and female foeticide.

10. Spain reported that its equal opportunity and other policies, including its third plan of action for equal opportunities for women and men (1997-2000), its first plan of action against domestic violence in 1998 and its second comprehensive plan of action against domestic violence (2001-2004), addressed gender-based violence and emphasized social intervention. The second plan aimed, inter alia, at eradicating all forms of violence, including crimes against women committed in the name of honour, and included preventive, awareness-raising, legislative, procedural, assistance and social intervention measures, and investigation. Sweden reported on Government initiatives for women and girls at risk in patriarchal families, including immigrant women and girls, including legislative initiatives on child marriages, children's rights, restraining orders, support to victims and witness protection; initiatives within the social services and in schools, such as the provision of educational materials for social services staff and staff in schools and youth guidance centres, the development of expertise within social services and parent education; initiatives within the work of the Swedish Integration Board; and initiatives in relation to applications for asylum and immigration of close relatives.

11. Sweden indicated that, since its establishment in 2000, the national council for the protection of women against violence had arranged six seminars on the subject of men's violence against women, one of which, on the theme "Violence against women with immigrant backgrounds: culture, religion, patriarchy", had dealt specifically with the concept of honour murders. In its dealings with the police, prosecution and social service authorities, the Swedish Ministry for Foreign Affairs, on humanitarian grounds, had taken the position that girls and young women abducted abroad for forced marriages or into other vulnerable situations should be able to return and be given protection in Sweden. As a result, the police and public prosecution authorities had been better able to take legal measures with respect to, inter alia, crimes motivated by honour. Political discussions had also been held with other countries aimed at strengthening protection for girls and young women, particularly in the context of abduction, forced marriages and honour murders. Sweden reported on a number of government-supported projects, including gender-equality initiatives targeted at women and girls with immigrant backgrounds and projects aimed at improving the conditions under which girls live. Within the framework of the violence against women project, the national board of health and welfare was introducing a web portal, in collaboration with 14 authorities, through which information concerning women and girls in vulnerable situations could be accessed. The Government bill on violence against women had been adopted by the Swedish Parliament in 1998, and in 2000 the Government had established the national council for the protection of women against violence, which paid particular attention to, inter alia, violence against immigrant women, and had introduced programmes for men who abused women.

12. Turkey reported on initiatives during 2000-2002 aimed at the elimination of honour crimes, indicating that the Government was working on necessary regulations to eliminate such crimes, and relevant public and voluntary institutions were also organizing educational programmes, seminars and conferences to increase public awareness. The problem had been discussed in the media by sociologists, experts on women's studies and lawyers, emphasizing that such crimes constituted a violation of human rights. Conferences had been convened in 81 provinces and districts in Turkey in 2000, organized by the directorate general on the status and problems of women, in cooperation with governorships and civil society institutions, and crimes committed in the name of honour had been discussed. The directorate general supported educational programmes and films by civil society organizations, and in 2001 had prepared six documentary films on the subject of crimes committed in the name of honour. The Turkish Bars of the Women's Law Commissions were active in 28 provinces, educating women on their rights and promoting solidarity and playing an active role in the elimination of gender-based discriminatory legal provisions. The Ankara Bar of the Women's Law Commission had organized training programmes and seminars for women's law commissions and lawyers, including on domestic violence, Family Protection Law No. 4320 and the Civil Code.

13. The United Kingdom reported on a number of initiatives funded by its Department for International Development in connection with crimes committed against women in the name of honour, which included

the provision of assistance to the Government of Pakistan in the design of a comprehensive national strategy to address violence against women. The national strategic framework for family protection, which included strategies for both the protection of women at risk and the prevention of violence and abuse, had been accepted as policy by the Government of Pakistan. Other initiatives in Pakistan included the Department's gender equality project, which aimed to strengthen the capacity of local organizations to achieve access for women to political and economic decision-making, equal treatment in law and protection from violence. The Department was working closely with the Asian Development Bank on a programme to improve access to justice in Pakistan. Indicators on honour killings, how they were reported and followed up by the police and court systems, and an analysis of outcomes were key components of that programme. The Department was also co-funding a United Nations Development Programme (UNDP) project, the results of which would provide a statistical baseline on violence and abuse to inform effective policy and programming within the Government of Pakistan. Many non-governmental organizations in Bangladesh supported by the Department were also working on the issue of honour crimes, and a public access to justice project in Bangladesh, designed specifically to have an impact in reducing violence against women through work in sensitizing the police, had been proposed by the Department. The Department's family protection project in Jordan included the issue of protecting women and girls who were under threat of "honour killing", and was designed to build the capacity of public and voluntary institutions to develop and implement an integrated strategy to prevent domestic violence, child and sexual abuse. The Department had also contributed to the United Nations Development Fund for Women (UNIFEM) Trust Fund in Support of Actions to Eliminate Violence against Women, which had provided grants to organizations assisting Palestinian women and girls from the Gaza Strip and West Bank who were victims of honour crimes.

C. Comments on relevant resolutions

14. A number of States commented on resolution 55/66, several expressing support for the resolution and other resolutions. Canada was pleased that honour crimes had been included in resolutions in the Commission on Human Rights on the elimination of violence against women, which had been adopted by consensus. Canada had supported efforts to have strong language on honour killings in other consensus resolutions in the Commission on Human Rights and in the outcome document. It had been pleased to support General Assembly resolution 55/66, and reaffirmed its commitment to the purpose and mandate of the Special Rapporteur on violence against women, and looked forward to supporting the Special Rapporteur in her ongoing work on the elimination of violence against women in all its aspects, including honour crimes.

15. In Jordan's view, General Assembly resolution 55/66 (in terms of both its title and content) was selective rather than comprehensive in its treatment of violence against women, since it dealt with one form of such violence, "crimes against women committed in the name of honour", and failed to refer to other crimes of discrimination committed against women in various countries, which were enumerated in paragraph 96 (a) of the outcome document and addressed in General Assembly resolution 55/68. Jordan noted that the fact that the General Assembly had for the first time devoted a special resolution to one of the crimes committed against women, to the exclusion of others, added selectivity to United Nations treatment of crimes against women, which might be at odds with the Assembly's approach of seeking greater impartiality and non-selectivity in dealing with human rights issues, in line with its resolution 56/153 on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, given that crimes committed in the name of honour were limited compared with other crimes. Jordan believed that by dealing with those crimes to the exclusion of other crimes, the United Nations had failed to do justice to the scale or relative incidence of such crimes in comparison with other crimes against women. Jordan also considered that the special importance accorded to that crime might be at the expense of dealing with other, more widespread crimes and/or acts against women, which might be more harmful and would further accentuate the imbalance in the allocation of the Organization's limited resources in favour of addressing those crimes, at the expense of other crimes. In principle, the resolution was consistent with the approach adopted by the Jordanian Government except that it did not address the concept of "in the heat of anger" and the possibility in various legal systems of invoking that concept, which was a

distinguishing feature of crimes of passion. The concept of "in the heat of anger" constituted extenuating grounds in respect of the penalty provided for by article 98 of the Jordanian Penal Code (exonerating circumstances under article 340), and extenuating grounds or exonerating circumstances could only exist where the crime was committed "in the heat of anger". Jordan's commitment to combating crimes committed "in the name of honour" was connected with the maintenance of a criminal defence based on the concept of "in the heat of anger", which many other legal systems recognized and which provided for extenuating grounds for crimes committed "in the heat of anger". Jordan considered that General Assembly resolution 55/66 should have distinguished between premeditated "crimes committed in the name of honour" and crimes committed without premeditation or in the heat of anger. It considered that since crimes committed in the name of honour and in the heat of anger could both be perceived as crimes of passion, which were subject to extenuating grounds and exonerating circumstances in many legal systems, the subject and title of resolution 55/66 should have been confined to premeditated crimes committed in the name of honour, in which case the resolution would not have discriminated against certain States and their legal systems.

16. Malta condemned all forms of violence, including violence against women, and supported the adoption of General Assembly resolution 55/66. The Netherlands supported the resolution and believed that it was an important step forward in the international campaign to prevent women from becoming victims of honour crimes, and there was great concern that many perpetrators of such acts of violence received light sentences or no sentences. Sweden indicated that it had been a proactive force in the United Nations and at the national level, as had the European Union as a whole, in addressing crimes against women committed in the name of honour. Sweden indicated that legislation in some countries permitted more lenient penalties for so-called honour murders and judicial authorities failed, in many cases, to take action with the necessary force, with prosecutors failing to initiate prosecution proceedings and courts deciding to acquit or impose mild penalties. Sweden and other European Union countries supported General Assembly resolution 55/66, and Sweden also supported the Commission on Human Rights resolution on extrajudicial, summary or arbitrary executions, which included reference to honour crimes. Turkey supported the inclusion of crimes against women committed in the name of honour and forced marriages, which were violations of the basic right to life, in the definition of violence against women in the outcome document.

D. Council of Europe

17. On 30 April 2002, the Council of Europe's Committee of Ministers adopted recommendation Rec (2002)5 on the protection of women against violence which made specific recommendations to member States regarding killings in the name of honour.[2]

III. Action taken within the United Nations system

A. General Assembly

18. Crimes committed in the name of honour were addressed by the General Assembly in its resolutions 55/111 and 55/68. In resolution 55/68, the Assembly expressed deep concern at the persistence of various forms of violence and crimes against women in all parts of the world, including crimes committed in the name of honour and crimes committed in the name of passion; stressed that all forms of violence against women, including crimes identified in the outcome document, were obstacles to the advancement and empowerment of women; and reaffirmed that violence against women both violated and impaired or nullified the enjoyment by women of their human rights and fundamental freedoms. In its resolution 55/111, the General Assembly called upon Governments to investigate promptly and thoroughly killings committed in the name of passion or in the name of honour, to bring those responsible to justice before an independent and impartial judiciary, and to ensure that such killings were neither condoned nor sanctioned by government officials or personnel.

B. Human rights treaty bodies

19. Human rights treaty bodies have raised the issue of crimes of honour in their general comments, recommendations, their review of States parties' reports, their constructive dialogue with States parties

and in their concluding observations/comments on States parties' reports.

20. In its general recommendation 19 on violence against women, adopted at its eleventh session, in 1992, the Committee on the Elimination of Discrimination against Women recommended that measures necessary to overcome family violence include legislation to remove the defence of honour. In its concluding comments, the Committee: expressed concern that the provisions of the Turkish Penal Code allowed less rigorous penalties for honour killings, and urged that such killings be appropriately addressed under the law (see A/52/38/Rev.1); expressed concern about honour killings in Israel and suggested that the State party take necessary steps to eliminate such practice (see A/52/38/Rev.1); expressed concern that several provisions of the Jordanian Penal Code discriminated against women, in particular article 340, and urged the State party to support the speedy repeal of that article and to undertake awareness-raising activities that made honour killings socially and morally unacceptable (see A/55/38); expressed concern at violence against women perpetrated through honour killings in Iraq, and urged the State party to condemn and eradicate honour killings and ensure that those crimes were prosecuted and punished (see A/55/38); expressed concern that several provisions of the Egyptian Penal Code discriminated against women, in particular in the case of murder following the crime of adultery, and urged the State party to eliminate discriminatory penal provisions (see A/56/38); expressed concern about the limited information on ethnic and minority women's freedom from violence, including honour crimes, in the Netherlands, and urged the State party to provide information on the implementation of the Convention with respect to different ethnic and minority groups (see A/56/38); and expressed concern at article 328 of the Uruguayan Penal Code, which provided that protecting honour may be a factor mitigating sentence in cases of induced abortion, and called on the State party to give priority to the repeal of that article (see A/57/38).

21. In its concluding observations, the Committee on the Rights of the Child expressed concern about the violation of the right to life with reference to the practice of honour killings in certain regions in Turkey, and recommended that the State party review its legislation and eliminate provisions allowing for the reduction of sentence if crimes were committed for honour purposes; develop and implement awareness-raising and education campaigns; and provide training and resources to law enforcement personnel (see CRC/C/15/Add.152). The Committee against Torture and the Committee on the Elimination of Racial Discrimination raised the issue of honour killings during a constructive dialogue with Israel (see CAT/C/SR/496; and CERD/C/SR.1251). The Committee on Economic, Social and Cultural Rights welcomed the removal of legal recognition of crimes of honour in Tunisia (see E/C.12/1/Add.36), and expressed concern about discrimination against women in Syrian society, in particular as reflected in more severe punishment of women for adultery and honour crimes, and recommended that the State address the problem (see E/C.12/1/Add.63, paras. 14 and 31).

22. At its sixty-eighth session, in 2000, the Human Rights Committee adopted general comment 28 on article 3 of the International Covenant on Civil and Political Rights, in which it stated that honour crimes which remained unpunished constituted a serious violation of the Covenant, and that laws which imposed more severe penalties on women than on men for adultery or other offences also violated the requirement of equal treatment (see CCPR/C/21/Rev.1/Add.10). In its concluding observations, the Committee expressed concern about cases of honour crimes involving girls and women of foreign extraction in Sweden, and recommended that the State party continue its efforts to prevent and eradicate such practices (see CCPR/CO/74/SWE).

C. Commission on Human Rights

23. In its resolution 2000/31 on extrajudicial, summary or arbitrary executions, the Commission on Human Rights expressed concern at the large number of killings committed in the name of passion or in the name of honour reported by the Special Rapporteur, and called upon Governments to investigate such killings promptly and thoroughly; to bring those responsible to justice; and to ensure that such killings were neither condoned nor sanctioned by government officials or personnel. The Commission adopted similar resolutions in 2001 (resolution 2001/45) and 2002 (resolution 2002/36). In its resolution 2000/45 on the elimination of violence against women, the Commission defined the term "violence against women" as any act of gender-based violence that

resulted in or is likely to result in physical, sexual or psychological harm or suffering to women, including crimes committed in the name of honour and crimes committed in the name of passion, and called upon States to condemn violence against women and not to invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence. The Commission adopted similar resolutions in 2001 (resolution 2001/49) and 2002 (resolution 2002/52).

Subcommission on the Promotion and Protection of Human Rights (former Subcommission on Prevention of Discrimination and Protection of Minorities)

24. The Subcommission addressed crimes of honour in its resolutions 2000/10 and 2001/13 on traditional practices affecting the health of women and the girl child,[3] in which it shared the concerns of the Special Rapporteur of the Subcommission on traditional practices affecting the health of women and the girl child about the perpetuation of certain harmful traditional practices, including crimes of honour, and appealed to all States concerned to intensify efforts to develop awareness of and mobilize national public opinion concerning the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of those practices.

Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences

25. The Special Rapporteur addressed and expressed concern about honour crimes and the defence of honour in a number of her reports, including her interim report submitted to the fiftieth session of the Commission on Human Rights, in 1994 (E/CN.4/1995/42); her report submitted to the fifty-second session of the Commission on Human Rights, in 1996; the report on her mission to Brazil on the issue of domestic violence (15-26 July 1996) submitted to the fifty-third session of the Commission on Human Rights, in 1997; the report on her mission to Pakistan and Afghanistan in 1999 (E/CN.4/2000/68/Add.4); her reports to the fifty-fourth and fifty-fifth sessions of the Commission on Human Rights, in 1998 (E/CN.4/1998/54) and 1999 (E/CN.4/1999/68); and in addenda to her reports on communications to and from Governments submitted to the fifty-sixth and fifty-seventh sessions of the Commission on Human Rights, in 2000 (E/CN.4/2000/68/Add.1) and 2001 (E/CN.4/2001/73/Add.1), in which she discussed, in particular, such killings in Pakistan.

26. The report of the Special Rapporteur submitted to the fifty-eighth session of the Commission on Human Rights, in 2002, concerning cultural practices in the family that are violent towards women (E/CN.4/2002/83), indicated that honour killings had been reported in Egypt, the Islamic Republic of Iran, Jordan, Lebanon, Morocco, Pakistan, the Syrian Arab Republic, Turkey, Yemen, and other Mediterranean and Gulf countries, and that they had also taken place in such countries as France, Germany and the United Kingdom, within migrant communities. The Special Rapporteur reported that honour killings were carried out by husbands, fathers, brothers or uncles, sometimes on behalf of tribal councils, but mainly by under-aged males of the family to reduce the punishment. She also noted that such murders were not based on religious beliefs but rather deeply rooted cultural ones. The report discussed fake honour killings, which were often committed in order to get compensation or conceal other crimes. The report indicated that women who had escaped honour killings often lived in constant fear of their lives and that many women resorted to suicide. The Special Rapporteur indicated that there had been contradictory decisions with regard to the honour defence in Brazil, and that legislative provisions allowing for partial or complete defence in that context could be found in the penal codes of Argentina, Bangladesh, Ecuador, Egypt, Guatemala, the Islamic Republic of Iran, Israel, Jordan, Lebanon, Peru, the Syrian Arab Republic, Turkey, Venezuela and the West Bank. The report also highlighted a ruling by the Criminal Court of Amman in Jordan, which had sentenced two men to death for killing their 60-year-old next of kin to cleanse the family's honour.

Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions

27. The Special Rapporteur on extrajudicial, summary or arbitrary executions considered honour killings in her report submitted to the fifty-fifth session of the Commission on Human Rights, in 1999 (E/CN.4/1999/39), and her interim report submitted to the fifty-sixth session of the Commission in 2000

(A/55/288), in which she indicated that she had been working closely with the Special Rapporteur on violence against women and the Special Rapporteur on the independence of judges and lawyers to monitor incidents of honour killings in which the state had either approved of and supported those acts, or provided a form of impunity to the perpetrators by giving tacit or covert support to the practice. The Special Rapporteur noted that some Governments had indicated their opposition to honour killings and publicly condemned the practice, but that she remained concerned that States had appeared to have taken little concrete action in that regard.

28. In her 2000 report (E/CN.4/2000/3), the Special Rapporteur indicated that she had continued to receive reports of so-called honour killings of women, including from Bangladesh, Brazil, Ecuador, India, Israel, Jordan, Morocco, Pakistan, Sweden, Turkey, Uganda and the United Kingdom. She noted that a number of renowned Islamic leaders and scholars had publicly condemned the practice and clarified that it had no religious basis. She expressed concern at the policy adopted by some Governments to protect potential victims of honour killings, which involved victims being placed in prisons or custodial or correctional homes, and recommended that those threatening the lives of potential victims should be brought to justice; that correctional and custodial homes run by Governments should not be permitted to forcibly detain women whose lives were at risk; and that prisons should never be used to detain potential victims of honour killings. She welcomed the initiatives taken by Jordan and Turkey with regard to honour killings.

29. The Special Rapporteur considered honour crimes in an addendum to her 2000 report (E/CN.4/2000/3/Add.1) and in her 2001 report submitted to the fifty-seventh session of the Commission on Human Rights (E/CN.4/2001/9), in which she highlighted that a constitutional body in Pakistan, the Council of Islamic Ideology, had categorically stated that such killings were not in conformity with Islamic injunctions, and in her report submitted to the fifty-eighth session of the Commission on Human Rights in 2002 (E/CN.4/2002/74), she emphasized that any laws whereby heirs of the victims could either accept compensation in place of any form of punishment or pardon the offender gave licence to male relatives to murder women on the justification of being offended by the dead women's behaviour, and that this form of institutionalized impunity for the so-called honour killing of women was unacceptable and a violation of the right to life of a person on the basis of her sex. She also considered honour killings in an addendum to her 2002 report on her mission to Turkey (E/CN.4/2002/74/Add.1).

Special Rapporteur of the Subcommission on the Protection and Promotion of Human Rights on traditional practices affecting the health of women and the girl child and Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers

30. The Special Rapporteur on traditional practices affecting the health of women and the girl child addressed crimes of honour in her third report submitted to the fifty-first session of the Subcommission, in 1999 (E/CN.4/Sub.2/1999/14); in her fourth report submitted to the fifty-second session of the Subcommission, in 2000 (E/CN.4/Sub.2/2000/17), in which she, inter alia, stressed that crimes of honour required urgent, concerted action by the international community, and discussed crimes of honour committed in Jordan and Pakistan and efforts to abolish and condemn them in those countries; and in her fifth report submitted to the fifty-third session of the Subcommission (E/CN.4/Sub.2/2001/27). The Special Rapporteur on the independence of judges and lawyers also considered honour killings in his reports submitted to the fifty-fifth (E/CN.4/1999/60) and fifty-sixth (E/CN.4/2000/61) sessions of the Commission on Human Rights, in 1999 and 2000.[4]

IV. Conclusion

31. **Attention has been drawn, particularly in recent years, to the issue of crimes against women committed in the name of honour at the international and national levels, and the issue has been addressed by intergovernmental and expert bodies within the United Nations system, and some measures have been taken by Member States to eliminate such acts.**

32. **However, the elimination of those acts requires greater and concerted efforts. All forms of violence against women and girls committed in the name of**

honour should be criminalized, and those deliberately participating in, facilitating, encouraging or threatening violence against women and girls in the name of honour should be penalized. All reports of violence against women committed in the name of honour should be promptly, impartially and thoroughly investigated; documented; and effectively prosecuted. All necessary measures should be taken to prevent violence against women committed on that basis. In countries with immigrant communities, protection should be given to victims and potential victims in connection with asylum and immigration procedures.

33. **Special training and resources should be provided to law enforcement and other relevant personnel, including judges and legal personnel, in order to impartially and effectively address complaints of violence against women generally and those committed in the name of honour in particular, and to protect women and girls in danger of such violence, while respecting their human rights. Support to victims and potential victims should be increased.**

34. **Awareness-raising, information and education campaigns, involving, inter alia, religious and community leaders, directed at changing stereotypical societal attitudes towards the behaviour of women and men, are crucial to prevent and eliminate violence against women and girls committed in the name of honour. The media should be encouraged to participate actively in public education campaigns. Support to non-governmental organizations and other groups working to eliminate violence against women and girls committed in the name of honour should be intensified. The United Nations and other intergovernmental organizations, including at the regional level, should continue to support initiatives to eliminate violence against women and girls committed in the name of honour, including through collaboration with both Governments and non-governmental organizations.**

Notes

[1] Replies have been received from Australia, Belarus, Brazil, Canada, Croatia, Egypt, Greece, Jordan, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Monaco, the Netherlands, the Philippines, Portugal, Qatar, Saudi Arabia, Singapore, Spain, Sweden, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, and are available in the Division for the Advancement of Women of the United Nations Secretariat.

[2] A number of non-governmental organizations have addressed the issue of honour crimes, including Amnesty International, Equality Now and Interights.

[3] As early as 1984, the issue was identified by a working group established by the then Subcommission on Prevention of Discrimination and Protection of Minorities as a harmful traditional practice affecting the health of women and girls.

[4] Replies were also received from the Department of Peacekeeping Operations of the United Nations Secretariat, the Economic Commission for Africa, the Joint United Nations Programme on HIV/AIDS, the Office of the United Nations High Commissioner for Human Rights and UNIFEM, but they did not report on any specific programmes on honour crimes, in addition to the action taken within the United Nations discussed herein.